

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK NOENNIG**, on February 17, 2001 at 12:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Jeff Mangan, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. John Esp (R)
Rep. Dennis Himmelberger (R)
Rep. Hal Jacobson (D)
Rep. Rick Laible (R)
Rep. Jesse Laslovich (D)
Rep. Bob Lawson (R)
Rep. Michelle Lee (D)
Rep. Ken Peterson (R)
Rep. William Price (R)
Rep. James Whitaker (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: Rep. Brad Newman (D)

Staff Present: Eddye McClure, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: HB 470, HB 423, HJ 31

EXECUTIVE ACTION ON HB 470

Motion: REP. LASLOVICH moved that HB 470 DO PASS.

Motion/Vote: REP. ESP moved that HB 470 BE AMENDED. Motion carried unanimously. {Tape : 1; Side : A; Approx. Time Counter : 0 - 5.2}

Motion: REP. JACOBSON moved that HB 470 DO PASS AS AMENDED. EXHIBIT (loh40a01)

Discussion: Rep. Esp, this bill allows the agency or cities to get around the statute. Noennig to Esp, with this bill not being subject to the cap and there is some floating mill authority in that 15-10-422 from previous years budget you can go back to that budget without a vote of the people. You can float enough mills to get to that many dollars. The current law allows that, but it also allows this one mill levy. Does the bill then just say you can get one mill if you want it. Is that what it says for economic development. Esp, yes that is what it says. Noennig-what do you think that means in dollars. Esp, it depends on what county you are in. In my county it is about \$7000.00.

Motion/Vote: REP. JACOBSON moved that HB 470 DO PASS AS AMENDED. Motion failed 2-16 with Lawson and Price voting aye.

Motion/Vote: REP. LAWSON moved that HB 470 BE TABLED. Motion carried 16-2 with Lawson and Price voting no. {Tape : 1; Side : A; Approx. Time Counter : 5.2 - 16}

EXECUTIVE ACTION ON HB 423

Motion: REP. LAWSON moved that HB 423 DO PASS.

Discussion: Noennig to Lawson: We have already amended this bill conceptually could you please move a do pass as amended. Remember this is the bill that we worked on before and passed a motion to do final executive action on a day certain which is today.

Motion: REP. LAWSON moved that HB 423 DO PASS AS AMENDED.

Motion: REP. ESP moved that HB 423 BE AMENDED.

Discussion: Noennig: Members of the committee you have two amendments in front of you. The first is Eddie's compilation of the conceptual amendments we passed when we met last time. Please

review these and Eddie will explain what she did as a result of our conceptual amendments. Eddie explains how she combined the conceptual amendments. **EXHIBIT(1oh40a03) EXHIBIT(1oh40a02)**

Motion: REP. ESP moved that HB 423 BE AMENDED.

Discussion: Mangan asks Esp the reason for this amendment. Esp feels it protects the small communities. Mangan explains this would be very restrictive. Noennig explains Esp's amendment and the need for this amendment. It would define the scope of the easement. The law without this language would mean the easement could not be expanded.

Substitute Motion: REP. ESP made a substitute motion that HB 423 BE AMENDED.

Discussion: This amendment changes altered to increase. Rep. Younkin, I think if they wanted to condemn that roadway, they might be able to circumvent the process. It would revert back to the landowners and they could start all over again. Mangan asks Noennig, could they not put those terms in a written agreement. I think the intention of Esp's amendment is to make sure that they do just that. Anderson speaks about old road and what happens in her area.

Substitute Motion: REP. ESP withdraws his previous motion to amend HB 423.

Motion/Vote: REP. ESP moved that HB 423 BE AMENDED. Motion carried 16-2 with Cyr and Younkin voting no.

Motion/Vote: REP. LAWSON moved that HB 423 DO PASS AS AMENDED. Motion carried 11-7 with Andersen, Bitney, Cyr, Laible, Lawson, Whitaker, and Younkin voting no. {Tape : 1; Side : A; Approx. Time Counter : 16 - 30} {Tape : 1; Side : B; Approx. Time Counter : 0 - 15.1}

HEARING ON HJ 31

Sponsor: Rep. Schmidt, Great Falls, MT

Proponents: None

Opponents: None

Opening Statement by Sponsor: Rep. Mangan HD 35 presented HJ 31 on behalf of sponsor Rep. Schmidt. Rep. Schmidt brings HJ 31. A

story about this resolution 31. A basic resolution that asks the Department of Health and Human Services to work with the Department of Justice and Department of Transportation in examining the problem of alcohol use while driving or riding in a motor vehicle. Then giving the information they collect to the appropriate interim committee. It is my understanding from a brief conversation with Rep. Schmidt that this idea came from a couple of other states including New Mexico. They endorsed resolutions based on the number of bottles of alcohol, beer cans, etc. found along roadways. Aluminum Anon has done site surveys across the US and did a survey in Montana. They found 800 cans and bottles per mile of road per year. They monitored 700 miles of Montana roads. This survey was done in May 2000. This is a positive resolution that deals with a few things on the last page. The legislature encourages the DPPHS to work with the DOT and DOJ in examining the problem of in vehicle alcohol and drug use....This is a good resolution and a nice first step.

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: Rep. Mangan closed HJ 31. {Tape : 1; Side : B; Approx. Time Counter : 15.1 - 17}

EXECUTIVE ACTION ON HJ 31

Motion/Vote: REP. MANGAN moved that HJ 31 DO PASS. Motion carried 13-5 with Andersen, Esp, Himmelberger, Laible, and Whitaker voting no. {Tape : 1; Side : B; Approx. Time Counter : 17 - 20.1}

ADJOURNMENT

Adjournment: 1:50 PM

REP. MARK NOENNIG, Chairman

PATI O'REILLY, Secretary

MN/PO

EXHIBIT (loh40aad)